Resolution on a rights-based approach to the EU's response to HIV/AIDS

2010/2771(RSP) - 08/07/2010 - Text adopted by Parliament, single reading

The European Parliament adopted by 400 votes to 166, with 55 abstentions, a resolution on a rights-based approach to the EU's response to HIV/AIDS.

The resolution had been tabled by the ALDE, Greens/ALE, S&D, and GUE/NGL groups. It notes that there are an estimated 33.4 million people living with HIV/AIDS globally and, particularly worrying, 2.7 million newly infected in 2008, which means that HIV/AIDS constitutes a global emergency requiring an exceptional global response. Members consider that a **rights-based approach in response to HIV /AIDS is crucial** in efforts to end the epidemic, and reaffirm that access to health care is part of the Universal Declaration of Human Rights and that governments have a duty to fulfil their obligation by providing a public health service to all. They feel, at the same time, that the EU must give **high priority to the protection of human-rights defenders** including those who focus their action mainly on educating communities on HIV/AIDS. Parliament calls on the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy to ensure that all practical actions provided for in the EU Guidelines on Human Rights Defenders be duly implemented in respect of civil-society representatives active in the field of HIV/AIDS. The Commission and Council are asked **to step up efforts to address HIV/AIDS as a global public health priority**, with human rights as a central aspect of HIV/AIDS prevention, and treatment including in EU development cooperation.

Remarking that there is a **major gap in programming** with regard to involving people living with HIV /AIDS in prevention efforts – particularly those targeting people living with HIV/AIDS – and in efforts to reduce stigmatisation and discrimination, Parliament calls on the Commission and the Council to urge countries most affected by HIV and AIDS to establish coordinated, transparent and accountable national HIV policy frameworks guaranteeing the accessibility and effectiveness of HIV-related measures for prevention and care. In this context, it asks the Commission to support national governments, and engage civil society, in improving the poor level of coverage of programmes to reduce stigmatisation and discrimination and in increasing access to justice in national HIV/AIDS responses.

With regard to medicines, Members call for legislation to provide for **affordable HIV-effective medications**, including antiretroviral and other safe and effective medicines, diagnostics and related technologies for the preventive, curative and palliative care of HIV and related opportunistic infections and conditions. They **criticise bilateral and regional trade agreements** that include provisions which go beyond the WTO's TRIPS Agreement ("TRIPS-plus"), thus effectively hindering, if not actually limiting, the safeguards established by the 2001 Doha Declaration on TRIPS which asserts the primacy of health over commercial interests. Parliament points out the responsibility borne by those countries that put pressure on developing countries to sign such free-trade agreements. It emphasises that compulsory licensing and differential prices have not fully solved the problem, and calls on the Commission to propose new solutions to ensure genuine access to HIV/AIDS treatments at affordable prices.

Noting that it is estimated that the level of antiretroviral-treatment coverage is only 23% in Europe and Central Asia, which is considered poor, given the situation in Russia and Ukraine, Members call on the Baltic States, Russia and Ukraine to put in place policies for vigorously combating HIV/AIDS in their respective countries;

Parliament calls on all Member States and the Commission to **allocate at least 20% of all development spending to basic health and education**, to increase their contributions to the Global Fund to Fight

AIDS, Tuberculosis and Malaria and to increase their funding for other programmes designed to strengthen health systems and community systems. It calls, too, on developing countries to prioritise health spending in general and combating HIV/AIDS in particular; and calls on the Commission to provide incentives to partner countries in order to encourage the prioritisation of health as a key sector in Country Strategy Papers.

The resolution makes several policy proposals and calls on the Commission, and where appropriate, Member States to:

- promote efforts towards the decriminalisation of unintentional HIV/AIDS transmission and exposure including by encouraging the recognition of HIV/AIDS as a disability for the purposes of existing and future non-discrimination legislation;
- address women's needs for HIV/AIDS prevention and care, in view of the fact that women accounting for approximately 60% of HIV/AIDS infections in sub-Saharan Africa. This should be by expanding access to sexual and reproductive health-care programmes – with HIV/AIDS testing, counselling and prevention services fully integrated into such programmes – and by reversing the underlying socioeconomic factors contributing to women's HIV/AIDS risk, such as gender inequality, poverty, lack of economic and educational opportunity, and lack of legal protection;
- provide fair and **flexible funding for research into new preventive technologies including vaccines and microbicides**;
- support participation by people with disabilities in the HIV/AIDS response, to incorporate observance of their human rights into national HIV/AIDS strategic plans and policies, and to ensure they have access to HIV/AIDS services which are both tailored to their needs and equal to the services available to other communities;
- engage the EU Agency for Fundamental Rights to gather further evidence on the human-rights situation of people living with HIV/AIDS and other key populations in Europe, taking particular account of their vulnerability to multiple and inter-sectional discrimination;
- reverse the worrying decline in funding for the promotion of sexual and reproductive health and rights in developing countries and to support policies for the treatment of sexually transmitted infections and the provision of reproductive-health supplies consisting of life-saving drugs and contraceptives, including condoms;
- work through a mix of financial instruments at global and country level, in addition to budget support, and through relevant organisations and mechanisms which have proved successful in addressing the human-rights dimension of HIV/AIDS, in particular civil-society organisations and community-based organisations;
- support the Council's Conclusions on the Programme for Action of November 2009: to initiate a broad consultative process for the preparation of a European Programme for Action to Confront HIV /AIDS, Malaria and Tuberculosis through External Action for 2012 and beyond; and to put their weight behind the establishment of EU Action Teams as a vehicle for joint action by the Commission and Member States in established priority areas.

Lastly, Parliament expresses grave concern at the fact that half of all new HIV infections occur among children and young people. It calls on the Commission and Member States to address children's and young people's needs for HIV/AIDS prevention, treatment, care and support and to ensure that they have access to HIV/AIDS services, particularly early-infancy diagnosis, appropriate and affordable antiretroviral formulations, psycho-social support, social protection and legal protection.